

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.479 OF 2005
IN
SECOND APPEAL NO.240 OF 2005

Narendrasingh Santasingh Chhadah ..Applicant
Versus
Shri Bhagirath Chhabildas Ponda ..Respondent

Mr.P.M.Chakurkar for applicant

None for respondent

CORAM : P.V.KAKADE, J.
DATE : 19TH AUGUST 2005

P.C.:

1. Heard the learned counsel for the applicant.
None appears for the respondent, though duly served and
filed affidavit in reply.

2. I have perused the judgments of both the courts
below as well as affidavit in reply.

3. It is stated at the bar that the entire decretal
amount is already deposited in the trial court by the
appellant. Perusal of the record shows that there is

legal issue, which required consideration in depth and therefore, I am inclined to grant this application. Hence, application is made absolute in terms of prayer clause (b) on condition that the appellant shall continue to deposit the damages as well as mesne profits on quarterly basis, as and when they accrued, in the lower court, failing which the Stay granted by this court shall automatically vacated without reference to the court. With this direction the application stands disposed of with no order as to costs.

. Put up the appeal for admission.